AMENDMENTS TO THE CLAIMS

(including complete listing of the claims)

1-10. (Canceled)

11. (Currently Amended) A method of treating cancer in a patient in need of said treatment, comprising

administering to said patient a dose of a recombinant adenovirus, said recombinant adenovirus comprising a mutation in the E1B-55K gene, said gene ~~that encodes~~encoding a mutated E1B-55K protein comprising a single amino acid mutation, said single amino acid mutation ~~substantially~~ reducing the ability of said E1B-55K mutated protein to bind to the tumor suppressor p53 when compared to the wild-type E1B-55K protein and said recombinant adenovirus has the further property of retaining late viral function, and

allowing sufficient time for said recombinant adenovirus to infect neoplastic cells of said cancer.~~, and repeating said treatment if desired.~~

12. (Currently Amended) ~~A~~ The method ~~as described in~~of claim 11, further comprising administering said recombinant adenovirus with a chemotherapeutic.

13. (Currently Amended) ~~A~~ The method ~~as described in~~of claim ~~12~~11, wherein said adenovirus is ~~selected from the group consisting of~~ Onyx 051 or Onyx 053.

14. (Currently Amended) A method of treating cancer in a patient in need of said treatment, comprising

administering to said patient a dose of an isolated polynucleotide wherein said polynucleotide comprises a polynucleotide sequence encoding a recombinant adenovirus, said recombinant adenovirus comprising a mutation in the E1B-55K gene, said gene encoding a mutated ~~mutated adenoviral DNA that encodes an~~ E1B-55K protein ~~, said protein~~ comprising a single amino acid mutation, said single amino acid ~~which~~ mutation ~~substantially reduces~~reducing the ~~capacity~~ ability of said E1B-55K protein to bind to the tumor suppressor~~,~~

p53 when compared to the wild-type E1B-55K protein and said recombinant adenovirus has the further property of retaining late viral function, and

allowing sufficient time for said adenovirus to infect neoplastic cells of said cancer. ~~and repeating said treatment if desired.~~

15. (Currently Amended) ~~A~~ The method of treating cancer ~~as described in~~of claim 14, wherein said polynucleotide is RNA.

16. (Currently Amended) ~~A~~ The method of treating cancer ~~as described in~~of claim ~~15~~14, wherein said polynucleotide encodes said E1B-55K protein and said protein comprises a mutation at position 240 of said protein.

17. (Currently Amended) ~~A~~ The method of treating cancer ~~as described in~~of claim ~~15~~14, wherein said polynucleotide encodes said E1B-55K protein and said protein comprises a mutation at position 260 of said protein.

18. (Currently Amended) ~~A~~ The method of treating cancer of claim 16 ~~as described in claims 16 or 17~~, further comprising administering said polynucleotide with a chemotherapeutic.

19. (Currently Amended) ~~A~~ The method of treating cancer of ~~as described in~~ claim 15, wherein said polynucleotide is administered with a liposome.

20-22. (Canceled)

23. (New) The method of treating cancer of claim 17, further comprising administering said polynucleotide with a chemotherapeutic.

24. (New) The method of treating cancer of claim 11, wherein said treatment is repeated.

25. (New) The method of treating cancer of claim 13, wherein said recombinant adenovirus is

Onyx 051.

26. (New) The method of treating cancer of claim 13, wherein said recombinant adenovirus is Onyx 053.

27. (New) The method of treating cancer of claim 11, wherein said mutated E1B-55K protein comprises a single amino acid mutation in amino acid 240 or 260.

28. (New) The method of treating cancer of claim 11, wherein replication of said recombinant adenovirus is cold insensitive.

29. (New) The method of treating cancer of claim 14, wherein said treatment is repeated.

30. (New) The method of treating cancer of claim 14, wherein replication of said recombinant adenovirus is cold insensitive.

31. (New) The method of treating cancer of claim 14, further comprising administering said polynucleotide with a chemotherapeutic.

32. (New) The method of treating cancer of claim 14, wherein said polynucleotide is administered with a liposome.